

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY CHARLES ROBINSON,

No. C 12-5668 CW

Plaintiff,

ORDER ADDRESSING
SERVICE OF PROCESS

v.

MICHAEL ASTRUE, Commissioner of
Social Security,

Defendant.

_____/

Plaintiff Mary Charles Robinson initiated the instant case on November 5, 2012. Accordingly, pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendant Michael Astrue, Commissioner of Social Security, within 120 days of November 5, 2012, or by March 5, 2013.

On March 5, 2013, Plaintiff filed a motion for entry of default. Docket No. 5. She also filed a Certificate of Service in which she stated that she had served the summons and complaint on Defendant by sending it on November 15, 2013 via Federal Express to the Social Security Administration's Office of the General Counsel, Chief Counsel for Region IX in San Francisco. Docket No. 6. The Clerk thereafter declined to enter default against Defendant. Docket No. 9.

The Court notes that Plaintiff has not properly served Defendant in this action. Plaintiff is directed to review Federal Rule of Civil Procedure 4(i)(1) and (2), which govern service upon the United States and an agency, officer or employee of the United States sued in its official capacity. Plaintiff is also reminded

1 that service may not be carried out by anyone who is a party to
2 the case, pursuant to Federal Rule of Civil Procedure 4(c)(2).

3 The Court extends the deadline for Plaintiff to serve
4 Defendant properly until two weeks from the date of this Order.
5 By that date, Plaintiff shall also file proof that she has
6 effectuated service timely and properly or a motion for an
7 extension of time within which to complete service, provided that
8 she is able to provide good cause for her failure to serve
9 Defendant within the time already allowed. Plaintiff is warned
10 that failure to comply with the terms of this Order will result in
11 dismissal of her case for failure to prosecute.

12 For rules and instructions on how to serve these documents
13 properly, Plaintiff should also consult the Court's guide for pro
14 se litigants, Representing Yourself in Federal Court: A Handbook
15 for Pro Se Litigants, which is available free of charge from the
16 Clerk's office and may be downloaded from the Court's website at
17 <http://www.cand.uscourts.gov/prosehandbook>. Plaintiff may wish to
18 consult the Legal Help Center, a free service offered by the Bar
19 Association of San Francisco. Information regarding the Legal
20 Help Center can be obtained from the Court's website at
21 <http://www.cand.uscourts.gov/helpcentersf>.

22 IT IS SO ORDERED.

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24 Dated: 4/18/2013

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CLAUDIA WILKEN
United States District Judge